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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,545	08/30/2001	Wolfgang Hirschburger	0212.64064	1909

7590

12/10/2002

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/945,545

Applicant(s)

HIRSCHBURGER ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5, 8-18, 21-26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,793,130) in view of Price (4,298,910).

Regarding claim 1, Anderson shows a rotary power tool having a light source, comprising:

- A housing (10);
- An electric motor provided in said housing (column 3, lines 1-5);

- An elongated spindle (14) engaged with and adapted to be rotatably driven by said motor;
- A rotatable holding assembly located at an end of said spindle and extending from a front end of said housing for holding a tool accessory (left side, Figure 4);
- At least one magnet (32) adapted to be rotated by said spindle for producing an alternating magnetic field;
- A generally tubular sleeve (58) attached to said front end of said housing, and having inner and outer surfaces;

Anderson does not show:

- Light generating means at least partially embedded in said sleeve between said inner and said outer surfaces at a front end of said sleeve;
- Means imbedded at least partially in said sleeve generally between said inner and said outer surfaces, proximate said magnet for generating an electric current from said magnetic field; and,
- Electrical conductors routed through said sleeve between said inner and said is outer surfaces for supplying said electric current from said current generating means to said lighting means. Anderson shows the coil, the LED and the sleeve being separate components.

However, for the purpose of reducing cost, Price show:

- Light generating means (14, Figure 2) at least partially embedded in the sleeve (22) between said inner and said outer surfaces at a front end of said sleeve;
- Means (26) imbedded at least partially in said sleeve (22) generally between said inner and said outer surfaces, proximate said magnet for generating an electric current from said magnetic field; and,
- Electrical conductors (26a, 26b) routed through said sleeve between said inner and said is outer surfaces for supplying said electric current from said current generating means to said lighting means.

Since Anderson and Price are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to embed the coil and the led and to route the electrical conductors in the sleeve as taught by Price for the purpose discussed above.

Regarding claims 13, 24 and 29, the claims are similar to claim 1. As a result, they are also rejected.

Regarding claim 2, it is noted that Anderson also shows said magnet being secured to a part of said holding assembly (22) which is inside said housing, and adapted to induce said electric current in said electric current generating means when said holding assembly is rotated by said spindle.

Regarding claims 3, 16, 26 and 31, it is noted that Anderson also shows said magnet being substantially in a shape of a ring.

Regarding claims 4 and 17, it is noted that Anderson also shows said magnet being secured to said holding assembly by a nut (72).

Regarding claim 5 and 18, it is noted that Price also shows said magnet being secured to said holding assembly by a collet nut (18a) of said rotatable holding assembly for holding said tool accessory.

Regarding claims 8 and 21, it is noted that Anderson also shows said magnet having at least two magnetic poles.

Regarding claims 9 and 22, it is noted that Anderson also shows said electric current generating means being an inductive coil.

Regarding claims 10, 23, 25 and 30, it is noted that Anderson also shows said lighting means being at least one light emitting diode (LED).

Regarding claim 11, it is noted that Anderson also shows said tool being adapted to receive power from an AC power source for supplying power to said electric motor.

Regarding claim 12, it is noted that Anderson also shows a DC power source for supplying power to said electric motor.

Regarding claim 14, it is noted that Anderson also shows said current generating means being positioned at said front end of said sleeve proximate said magnet.

Regarding claim 15, it is noted that Anderson also shows said magnet being adapted to be removably secured by the tool holder assembly and positioned on a portion of the tool holder assembly which extends outside a housing of the power tool.

4. Claims 6, 7, 19, 20, 27, 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,793,130) in view of Price (4,298,910) as respectively applied to claims 3, 16, 26 and 31 and further in view of Vogel.

Regarding claim 6, 19, 27 and 32, the apparatus of Anderson modified by Price includes all of the limitations of the claimed invention except for an inner opening of said magnet being matingly attached to an outer surface of a nut that has an inner surface which is configured and adapted to be thread ably secured to said holding assembly.

Vogel shows an inner opening of said magnet being matingly attached to an outer surface of a nut that has an inner surface which is configured and adapted to be thread ably secured to said holding assembly for the purpose of mounting the magnet to the shaft.

Since Anderson, Price and Vogel are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to attach the magnet to the nut as taught by Vogel for the purpose discussed above.

Regarding claims 7, 20, 28 and 33, it is noted that Vogel also shows said nut extending beyond said magnet in an axial direction of said magnet.

***Information on How to Contact USPTO***

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
December 7, 2002

DL

Dang D. Le